

EDITORIAL

The 1963 Legislature

FINAL TALLIES of the 1963 session of the California Legislature show that the medical profession again scored high in accomplishments.

Of 62 bills in the Assembly either sponsored or followed closely by the C.M.A., 34 were adopted and signed by the Governor, 16 were defeated, 11 were referred to interim committees and one was adopted but vetoed.

On the Senate side, 32 measures were sponsored or followed closely and 22 of these were adopted and signed. Three were not adopted, five were referred for interim study and two were vetoed by the Governor.

These figures add up to a total of 94 bills, 56 of which have now become law, with another 16 in the hands of interim committees, 19 killed in the legislative process and three passed by the Legislature but killed by the Governor's veto power.

While these statistics might not indicate too high a batting average, it must be kept in mind that the totals indicate all the measures in which the Association took a stand, not just those actually sponsored or approved by the C.M.A. If we consider only the sponsored measures, the record for the Assembly side of the Legislature shows six bills passed and signed, one killed and one referred for interim study. On the Senate side, one bill was passed and signed, one was killed and two were sent to interim study.

Of the measures listed here, several are of far-reaching importance and deserve special mention. Among these is Assembly Bill 59, a C.M.A.-sponsored measure to amend the regulations for implementation of the Kerr-Mills program for providing hospital and medical care for the aged. This measure introduces the concept of a "dollar deductible" schedule for the aged receiving benefits under the program, rather than following the original "time deductible" schedule. Under this bill, eligibility for care under the Medical Aid to the Aged program

will now be established during the first 30 days of confinement or whenever the cost of care exceeds \$1,500.

The C.M.A. had proposed that a \$400 deductible be established but in the legislative process this figure went to \$1,500. In any event, a rigid 30-day period of confinement before eligibility has now been tempered somewhat.

A.B. 59 also provides for reimbursement to the county from the first day of hospitalization for those eligible under M.A.A. In addition it broadens other provisions affecting needy children, totally disabled persons and the needy blind programs.

Another sponsored measure, A.B. 333, adds licensed and registered clinical laboratory technologists to the bioanalysts and the registered nurses as those permitted to draw whole blood. This bill also requires that after next January 1 all blood banks operating in California must be licensed by the State Department of Public Health. Previously, blood banks could operate under either a federal or a state license.

Still another C.M.A. proposal, A.B. 1038, provides that medical studies conducted by medical staff committees of hospitals, except the original medical record, shall be confidential and not admissible as evidence.

Senate bills listed in the tally include S.B. 300, a bill to exempt from taxation personal property used exclusively for professional libraries maintained by non-profit professional associations. This measure, of particular interest to the large library maintained by the Los Angeles County Medical Association, was killed in the Legislature, where exemptions are difficult to obtain.

The Legislature passed, and the Governor signed, S.B. 1200, which eliminates the prohibition against serving oleomargarine, on request, in restaurants which do not display large signs reading "Oleomargarine Served Here." The law provides that colored margarine may be served, so long as it is shaped in triangular chips or labeled "margarine"

on the surface. This measure, sought as a health aid, allows patients on low-cholesterol diets to secure their allowed fat substitutes in public restaurants. Previously, restaurants had rebelled at serving margarine, on request, when they were forced to proclaim on a large sign that this product was served, for usually such a sign was interpreted by most customers as meaning that butter was *not* served.

The Senate sent to interim study two C.M.A.-sponsored bills to put into effect the requirement that medical fees for industrial cases and for welfare cases be paid in an amount commensurate with fees paid by the general public. Passage of these two measures would have eliminated the reduced fees now paid by state agencies or employers for these cases.

Among the legislative proposals killed in the Legislature, several are of great interest to the medical profession. One of these would have excluded a physician from civil liability when drawing specimens of blood, at the request of a peace officer, where a person under arrest has voluntarily assented to this procedure. As matters stand today, a doctor drawing a blood specimen for determination of alcoholic content, at the request of a peace officer, is liable for civil suit for mayhem, invasion of privacy or other cause.

Also killed were bills to require revocation or suspension of professional licenses upon a showing of willful racial discrimination. Another measure

failing in the Legislature would have required the compulsory inclusion of podiatrists' services under any health service plan. Another would have set up a five-man Health Care Plan Board, with members appointed by the Governor, to regulate all plans not under the jurisdiction of the insurance commissioner. Along similar lines, one bill killed would have given the insurance commissioner jurisdiction over all health care service plans. Some years ago the C.M.A. carried this matter to the State Supreme Court, where California Physicians' Service was declared not to be an insurance program and therefore not under this jurisdiction.

Bills which successfully passed the Legislature but met with the Governor's veto were one to require that all members of the Board of Osteopathic Examiners be licensed osteopaths and another to limit the use of hypnosis to qualified professional practitioners.

All in all, the medical profession had a most successful legislative session this year. Credit must go to the Legislative Committee—Doctors Dan O. Kilroy, Sacramento (Chairman), Samuel R. Sherman, San Francisco, and Stuart C. Knox, Los Angeles—and to Messrs. Ben Read, Eugene Salisbury and Paul Putnam, representatives of the Public Health League of California. Our thanks go to these men for their dedication to a most important duty and their effective representation in the highest councils of our state government.

